

**Location**                      **213 - 215 Golders Green Road London NW11 9BY**

**Reference:**                      **18/0579/RCU**                      Received: 26th January 2018  
Accepted: 4th June 2018

Ward:                              Golders Green                      Expiry 30th July 2018

Applicant:                      Mr Samuel Grosz

Proposal:                      Erection of a part three storey, part four storey building with rooms in roofspace, following partial demolition of existing building. Use as synagogue (Class D1) at ground floor level. Internal alterations to reduce 9no existing unauthorised self-contained flats to 7. Associated Alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces. Erection of a single storey outbuilding with basement level as use as a Mikveh pool following demolition of existing outbuilding. Works are partly retrospective.

**Recommendation: Refuse**

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1      The part-three, part-four storey building would represent an overly dominant form of development within the application site and streetscene by reason of its bulky and out of scale roof structure, and would be inappropriate and out of context with the prevailing character of the streetscene and would introduce a building detrimental to the character and appearance of the area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).

**Informative(s):**

- 1      The plans accompanying this application are:  
  
GGNRD - L301 (Pre-Existing - Location Plans)  
GGNRD - P301 (Pre-Existing - Ground Floor)  
GGNRD - P302 (Pre-Existing - First Floor)  
GGNRD - P303 (Pre-Existing - Loft Plan)  
GGNRD - P304 (Pre-Existing - Roof Plan)  
GGNRD - E301 (Pre-Existing - Front/ Rear Elevations)  
GGNRD - E302 (Pre-Existing - Side Elevation 1)  
GGNRD - E303 (Pre-Existing - Side Elevation 2)

GGNRD - L201 A (Existing - Location Plans)  
GGNRD - P201 A (Existing - Ground Floor)  
GGNRD - P202 A (Existing - First Floor)  
GGNRD - P203 A (Existing - Second Floor)  
GGNRD - P204 A (Existing - Loft Plan)  
GGNRD - P205 A (Existing - Roof Plan)  
GGNRD - E201 A (Existing - Front and Rear Elevations)  
GGNRD - E202 (Existing - Side Elevation 1)  
GGNRD - E203 A (Existing - Side Elevation 2)

GGNRD - L401 B (Proposed - Location Plans)  
GGNRD - P401 B (Proposed - Ground Floor)  
GGNRD - P402 B (Proposed - First Floor)  
GGNRD - P403 B (Proposed - Second Floor)  
GGNRD - P404 B (Proposed - Loft Plan)  
GGNRD - P405 B (Proposed - Roof Plan)  
GGNRD - E401 B (Proposed - Front and Rear Elevations)  
GGNRD - E402 B (Proposed - Side Elevation 1)  
GGNRD - E403 A (Proposed - Side Elevation 2)  
GGNRD - E404 B (Proposed - Front Street Elevation)  
GGNRD - S401 B (Proposed - Section AA')  
GGNRD - S402 (Proposed - Section BB')  
GGNRD - D401 (Proposed - Cycle Storage)

GGNRD - RO401 (Proposed - Rear Outbuilding)

#### Planning, Design and Access Statement

- 2 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify

named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

### Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extension: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk).

Please visit [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

- 3 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the south-western side of Golders Green Road, within the ward of Golders Green.

The site comprises of a two-storey building with rooms in the roofspace and currently comprises of a Synagogue at ground floor level and 9no. self-contained flats (unauthorised) on the upper floor levels. At the front of the site there are 8no. off-street parking spaces which are accessed from Golders Green Road. At the rear of the site, a large outbuilding has been constructed with a Mikveh pool and associated changing and washing facilities.

The site is located close to the corner of Golders Green Road and Limes Avenue, directly opposite the Jewish Care Building. This section of Golders Green Road is characterised by residential properties of varying types and styles.

### **2. Site History**

Reference: 18/0580/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 14.03.2018

Description: Demolition of existing outbuilding. Erection of a replacement outbuilding with basement level including a communal Mikvah pool

Reference: 15/04047/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 01.09.2015

Description: Conversion of upper floors into 8 no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: 15/02152/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 11.06.2015

Description: Conversion of upper floors into 9no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: F/04598/11

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 16.01.2012

Description: Removal of existing outbuildings and erection of outbuilding at rear of 213 & 215 Golders Green Road incorporating a communal Jacuzzi/ plunge pool and associated changing and wash facilities.

Reference: F/02675/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 23.09.2010

Description: Extension to roof including front, side and rear dormer windows to facilitate a loft conversion to 213 & 215. Part single, part two-storey rear and front extension to 213 & 215.

Reference: F/01505/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 27.05.2010

Description: Part single, part two storey rear extension to existing synagogue. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer. Change of use of first floor from residential to synagogue and ancillary facilities.

Reference: F/01506/10

Address: 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 26.05.2010

Description: First floor front and rear extension. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer.

Reference: C01687D/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 26.09.2000

Description: Single storey rear extension to Synagogue.

Reference: C01687C/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Variation to condition 5 of planning permission ref.C01687B dated 13th September 1999 which relates to the hours of use of the synagogue.

Reference: C01687B

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Change of use of ground floor from residential to a synagogue. Continued residential use of first and second floors as two flats. Car parking area at front with access onto Golders Green Road. Associated car parking at front of 215 Golders Green Road.

### Enforcement

Reference: ENF/00350/15

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Building works without the consent of planning permission

Reference: ENF/01549/17

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Erection of an Outbuilding not built to approved plans

### **3. Proposal**

The application seeks retrospective permission for the erection of a part-three, part-four storey building with rooms in the roofspace, comprising of a mixed-use building with the retention of Synagogue at ground floor and residential flats above.

Permission is sought for alterations to reduce the number of self-contained units from nine to seven at upper floor levels. The proposal will remove the existing unlawful outbuilding to the rear and erect a single-storey outbuilding with basement level for the use of a Mikveh pool. The proposal also includes the provision of 3no off-street parking spaces at the front of the site with new areas for refuse/recycling facilities.

New landscaping is proposed at the front and rear of the site.

The application has been amended to include the following changes:

- Internal alterations to ensure proposed residential units comply with the minimum space standards;
- Alterations to front courtyard, including reduction in parking provision, provision of cycle parking spaces and alterations to the proposed refuse/recycling waste stores.

### **4. Public Consultation**

A call-in request has been received from Councillor Dean Cohen that the application should be referred to the committee for the following reason: " I would like this brought to committee as I believe the retention of the synagogue and the reduction in the unauthorised flats would then be in keeping with the character and appearance of the surrounding area. The proposal supports the use of a community and religious facility in the borough. I don't feel the proposal would have a detrimental impact on the residential amenities of neighbouring occupiers."

The application was referred to the Finchley and Golders Green Area Planning Committee on 15th October 2018 where it was deferred to allow further amendments to be discussed with Officers.

Consultation letters were sent to 195 neighbouring properties.  
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Lack of green open space / landscaping
- Increase in noise from Mikveh
- Poor visual appearance of the proposed outbuilding

### **5. Planning Considerations**

#### **5.1 Policy Context**

## National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:



- Principle of development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking provision.

### **5.3 Assessment of proposals**

#### Principle of development and Impact on the character and appearance of the existing site, streetscene and wider locality

In terms of the principle, the site has historically, since 2000, been in use as a synagogue with associated ancillary office and residential accommodation on the upper levels. The retention of a synagogue use (Class D1) at ground floor level raises no in-principle policy objection as the site is located in an area of good public accessibility and is within walking distance of the Golders Green Town Centre. Referring to the previous lawful consent (ref: F/02675/10), the synagogue floorspace measured approximately 130sqm over ground and first floor levels. Within this application, the floorspace is increased to approximately 200sqm and is only located at ground floor level. The net increase is therefore 70sqm. The applicant has submitted an indicative activities plan illustrating the normal activities/events that occur during the week and the number of people attending each activity. There are activities proposed on each day at various times but between the hours of 07:15 and 22:00. The attendance varies between 20 to 100 people at any one time on site. The proposed times and capacity does not appear to be unreasonable and is generally proportionate in terms of other synagogue uses. However, there are certain times of the year where activities may occur earlier or later than the stipulated times. These would not be frequent events but celebratory and only take place in certain parts of the year. In order to control the level of use on site and to limit any adverse impacts, the applicant would be expected to submit a full and detailed Activities Management Plan which sets out all of the activities/ events that take place throughout the year. A number of appropriate conditions could also be attached to limit hours of use and maximum capacity within the synagogue.

The site originally consisted of a pair of two-storey semi-detached properties which received permission under reference: F/02675/10 to extend the roof and to erect part-single, part two-storey rear and front extensions. This proposal is illustrated under the submitted 'Pre-Existing' plans. However, as illustrated by the submitted 'Existing' and 'Proposed' plans, the existing buildings were partially demolished and a significantly larger and different scheme has been constructed on site. The agent has confirmed that the two side elevations and part of the front elevation were retained but the rear elevation and roof was rebuilt from scratch. In addition, a large outbuilding was constructed within the rear grounds of the site.

In terms of layout, the ground floor footprint of the as-built main building is broadly similar to that previously existing. The difference being the as-built projects approximately 1m further forwards. The overall width of the building is similar to the existing. At first floor level, the as-built and proposed plans project further by approximately 1-3m than the previous building. The second floor has been increased considerably extending out flush to the front and side elevations. New accommodation has been provided at the top level of the roof.

From an elevational perspective, the as-built and proposed scheme is considerably different to the original building from a scale, massing and appearance perspective. The traditional and proportional features of the front gable bay windows, subordinate side and rear dormer windows have been lost and replaced with much larger and bulkier features. While the

overall ridge height is only slightly higher than was existing, the as-built and proposed roof structure is significantly larger, bulkier in scale, resulting in a dominant visual appearance within the building. This is further emphasised by the roof form of the side and rear elevations.

This increased bulk and massing is particularly evident from all elevations and as such is considered to have a significant harmful impact on the character and appearance of the existing building and the streetscene.

Permission for an outbuilding incorporating a plunge pool and associated changing and wash facilities for use as a Mikveh was originally granted permission in 2012 under Barnet reference F/04598/11. However, a significantly larger outbuilding was constructed unlawfully which occupied the majority of the rear area. This building is subject to enforcement action which requires the applicant to remove the building. Under this current application, it is proposed to remove the outbuilding completely and erect a new outbuilding which would be identical in scale and layout as was previously approved. In addition, the proposed outbuilding would have a basement level below but this element would not contain any external manifestations which would make it visible. It is considered that the scale, design and height of the proposed outbuilding would not be harmful to the character and appearance of the area.

It is also proposed to introduce new landscaping at the front of the site and between the rear elevation of the synagogue and the proposed outbuilding.

#### Impact on the residential amenity of neighbouring occupiers

The synagogue floorspace would be increased by 70sqm which on balance is not considered to be highly significant and all of the main activities would take place inside the building. The applicant has submitted an indicative activities plan for the week which illustrates that events and members attending occurs at several times throughout the day. In order to mitigate/ limit any harmful impacts, relevant conditions could be attached to limit, hours of use, noise etc.

In terms of the proposed outbuilding, it is not considered that the scale and height of the building would have any significant adverse impact on the residential amenities of neighbouring properties. Environmental Health (EH) officers have raised concerns regarding the potential noise / disturbance when the building is in use with previous complaints being received. However, EH officers have suggested a number of mitigation measures that could be incorporated to help reduce any potential impact. These include restricting the hours of use of the building, construction of acoustic fencing along the neighbouring properties and submitting an acceptable noise report. In the space remaining at the rear of the site, it is proposed to introduce new landscaping which would cover approximately half of the outdoor space, meaning that this space is restricted from accommodating a large number of people with the associated noise which would adversely harm the neighbouring occupiers. The proposed landscaping could be secured through a landscaping condition.

The proposed entrance to the upper level residential flats is located along the side entrance facing No. 111 Golders Green Road. A site visit has confirmed that there are a number of windows along the side elevation of No.111. However, it is acknowledged that in the existing building, the entrance to the lady's gallery on the first floor was located in a similar position. This would likely have possible greater movements and noise /disturbances than the proposed residential units. As part of this application, the number of flats proposed is seven

which will decrease the number of occupiers using this entrance. On balance, this element is considered to be acceptable.

#### Provision of adequate accommodation for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan. There are 9 no flats (unauthorised) within the as-built existing building. However, a couple of these do not comply with the minimum space standards. As such, the proposal seeks to reduce the number of self-contained units from nine to seven. The proposal provides for 2 x studio units, 2 x 1B2P unit, 2 x 2B3P units and 1 x 2B4P unit. All of the proposed units would meet or exceed the minimum internal space standards.

The proposal does not provide any outdoor amenity space. However, the rear of the site has historically been in use with the synagogue with a form of outbuilding present. As part of application F/02675/10, there were four bedsits approved which had no access to outdoor amenity space. On balance, the non-provision of outdoor amenity space is accepted in this instance.

#### Highways safety and parking provision

Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 0 to 1 space per unit for development consisting mainly of flats (1 bedroom)
- 1 to 1.5 spaces per unit for terraced houses and flats (2 to 3 bedrooms)

The application proposes 4 x 1-bed and 3 x 2-bed. Therefore, it is expected that the proposal should provide between 3 to 8.5 spaces. The proposal provides 3 off-street parking spaces to be sited at the front of the site.

The Council's Traffic and Development service has reviewed the proposal and stated that the site is located within a CPZ, has a good PTAL and the provision of 3 parking spaces would be compliant with policy DM17 standards. It is considered that the overspill parking from the Synagogue would generate a minimal parking stress at peak times of use and existing residents' parking amenity would not be detrimentally impacted upon. In summary, the Highways Officer considers that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

The parking arrangement at the front of the site has been amended so that there is a 6m distance from the back of the parking space so that any vehicle can turning safely within the site and exit the site onto Golders Green Road in a forward gear.

## **5.4 Response to Public Consultation**

**Overdevelopment** - The layout of the building is broadly similar to the existing building. However, the LPA shares the concern that the increased massing and bulk at the upper floor levels is excessive, out of scale and has a harmful visual impact.

**Lack of green open space / landscaping** - It is noted that historically that the site has had no or limited landscaping. New soft landscaping is proposed as part of this proposal which is considered to be an improvement upon the previous position.

**Increase in noise from Mikvah** - It is acknowledged that there have been previous noise complaints regarding the use of the outbuilding. It is unclear whether this relates to the current unlawful building, however, this is to be removed and replaced with a much smaller building which has a smaller capacity. Environmental Health has suggested a number of further additional mitigation measures to help limit any associated noise.

**Poor visual appearance of the proposed outbuilding** - It is acknowledged that the proposed outbuilding is of limited architectural interest. However, it will only appear as a single-storey outbuilding located at the rear of the site and is not considered to have a significant harmful impact on the character and appearance of the site or streetscene which would warrant a reason for refusal.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide for an enlarged and improved Synagogue facility with associated outbuilding. It is stated the residential units are currently occupied by students and their families studying at the Synagogue.

However, the building has been constructed without the benefit of planning permission and a considerably larger building has been constructed than previously approved.

The Local Planning Authority does not object to the principle of a mixed-use development comprising of a synagogue at ground level with associated outbuilding and residential units on the upper levels, but considers that the proposal would result in a considerable harmful effect on the character and appearance of the site, streetscene and wider locality. The proposal is therefore considered contrary to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

The positive impacts created by the proposed development are not considered to carry sufficient material weight to justify the construction of an unacceptable and harmful building in terms of character and appearance which is contrary to policy.

It ought to be possible to provide the positive impacts that are sought by the applicant and at the same time, constructing a building that accords with development plan policy by amending and reducing the proposed design. Such improvements could include reducing the bulk, scale, massing and height of the roof structure. It is considered that it could be possible to make such changes without creating a negative impact on the protected characteristics of the users of the Synagogue.

It is considered that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for refusal.

